

**RESOLUTION NO. \_\_\_\_\_, SERIES 2007**

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNERS OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE BROWNSBORO ROAD/NEW CHAMBERLAIN LANE PROJECT (PARCEL 28).

**Sponsored By:** \_\_\_\_\_

**WHEREAS**, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

**WHEREAS**, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

**WHEREAS**, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed improvements to Brownsboro Road and New Chamberlain Lane, Project Kentucky 22-Section 2, Item No. 320.20, in conjunction with Louisville/Jefferson County Metro Government Department of Public Works.

**AND WHEREAS**, as a part of the improvements, it is necessary to acquire additional right of way and a temporary construction easement to widen the intersection of Kentucky Highway 22 and Kentucky Highway 1694 for the use and benefit of the citizens of Metro; and

**WHEREAS**, Metro has not been able to acquire the right of way and easement described as portions of Parcel 28 in the descriptions attached hereto as Exhibit A ("Condemned Property") from the owners of the Condemned Property through good faith negotiations; and

**WHEREAS**, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

**BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**Section 1:** That in order to complete the improvements to Brownsboro Road and New Chamberlain Lane, Project Kentucky 22-Section 2, Item No. 320.20, Metro Government needs to acquire the Condemned Property, as described on attached Exhibit A and platted as Parcel 28 on the plat map attached hereto as Exhibit B. The Condemned Property is a portion of the property acquired by GTK Properties, LLC, by deed dated October 17, 2003, of record in Deed Book 8277, Page 150, in the Office of the County Clerk of Jefferson County, Kentucky and by Deed of Correction dated February 12, 2004, of record in Deed Book 8370, Page 917 in the Office aforesaid.

Republic Bank & Trust Company may have an interest in the property pursuant to a Mortgage, dated October 17, 2003, filed of record in Mortgage Book 8247, Page 025, in the Office aforesaid.

Since Metro cannot, by agreement with the owners of the Condemned Property, acquire the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owners of the Condemned Property.

**Section 2:** That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

**SECTION III:** This Resolution shall take effect upon its passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Rick Blackwell  
President of the Council

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Jerry E. Abramson  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_

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2-1-07

## EXHIBIT A

### RIGHT OF WAY

Beginning at a point 41.00 feet left of KY 22 station 286+24.40; thence North 1 degrees 46 minutes 02 seconds East, 38.03 feet to a point 75.00 feet left of KY 22 station 286+41.28; thence 150.95 feet along an arc to the right, having a radius of 6075.00 feet, the chord of which is North 65 degrees 56 minutes 03 seconds East, 150.94 feet to a point 75.00 feet left of KY 22 station 287+90.37; thence 46.86 feet along an arc to the left, having a radius of 35.00 feet, the chord of which is North 28 degrees 17 minutes 11 seconds East, 43.44 feet to a point 52.00 feet left of KY 1694 station 51+35.42; thence 150.45 feet along an arc to the right, having a radius of 1352.00 feet, the chord of which is North 6 degrees 53 minutes 06 seconds West, 150.37 feet to a point 52.00 feet left of KY 1694 station 52+80.08; thence North 60 degrees 13 minutes 47 seconds East, 7.19 feet to a point 45.54 feet left of KY 1694 station 52+83.13; thence North 1 degrees 45 minutes 19 seconds East, 7.28 feet to a point 44.89 feet left of KY 1694 station 52+90.14; thence North 68 degrees 25 minutes 10 seconds East, 27.36 feet to a point 18.94 feet left of KY 1694 station 52+98.62; thence South 1 degrees 45 minutes 58 seconds West, 211.23 feet to a point 61.50 feet left of KY 22 station 288+14.72; thence South 63 degrees 09 minutes 29 seconds West, 51.64 feet to a point 58.37 feet left of KY 22 station 287+63.68; thence South 60 degrees 27 minutes 30 seconds West, 51.31 feet to a point 53.28 feet left of KY 22 station 287+13.10; thence South 58 degrees 09 minutes 31 seconds West, 51.31 feet to a point 46.58 feet left of KY 22 station 286+62.65; thence South 57 degrees 00 minutes 20 seconds West, 38.92 feet to the point of beginning.

The above described parcel contains .181 acres (7,903 sq. ft.).

### TEMPORARY EASEMENT

Beginning at a point 75.00 feet left of KY 22 station 286+41.28; thence North 1 degrees 46 minutes 02 seconds East, 11.18 feet to a point 85.00 feet left of KY 22 station 286+46.21; thence North 73 degrees 33 minutes 31 seconds East, 49.95 feet to a point 78.00 feet left of KY 22 station 286+95.00; thence North 62 degrees 40 minutes 05 seconds East, 111.71 feet to a point 85.00 feet left of KY 22 station 288+05.00; thence North 10 degrees 36 minutes 44 seconds West, 99.50 feet to a point 70.00 feet left of KY 1694 station 52+10.00; thence South 83 degrees 12 minutes 51 seconds West, 10.00 feet to a point 80.00 feet left of KY 1694 station 52+10.00; thence North 5 degrees 15 minutes 39 seconds West, 60.85 feet to a point 79.72 feet left of KY 1694 station 52+67.33; thence North 60 degrees 13 minutes 47 seconds East, 30.79 feet to a point 52.00 feet left of KY 1694 station 52+80.08; thence 150.45 feet along an arc to the left, having a radius of 1352.00 feet, the chord of which is South 6 degrees 53 minutes 06 seconds East, 150.37 feet to a point 52.00 feet left of KY 1694 station 51+35.42; thence 46.86 feet along an arc to the right, having a radius of 35.00 feet, the chord of which is South 28 degrees 17 minutes 11 seconds West, 43.44 feet to a point 75.00 feet left of KY 22 station 287+90.37; thence 150.95 feet along an arc to the left, having a radius of 6075.00 feet, the chord of which is South 65 degrees 56 minutes 03 seconds West, 150.94 feet to the point of beginning.

The above described parcel contains .102 acres (4,433 sq. ft.).